Nixon Ordered Tap Files Safeguarded, Aide Says

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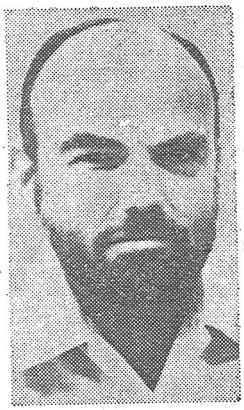
Former President Richard M. Nixon personally ordered that secret files on FBI wiretaps of 17 newsmen and government officials be brought to the White House in 1971 for safekeeping, former Nixon aide John D. Ehrlichman has testified.

According to a court deposition by Ehrlichman, Nixon issued the order after Ehrlichman reported to him the fears of Robert C. Mardian, an assistant attorney general who had been keeping the files, that J. Edgar Hoover might order FBI agents to break into his Justice Department office and remove the files for possible "blackmail" purposes.

Ehrlichman testified that Hoover "was not above blackmailing the President with this information" from the wiretap files "to secure whatever he wanted from the President" including protection of his job as FBI director. Ehrlichman's deposition—which provides a somtimes bizarre account of the removal of the wiretap files from the Justice Department to the White House safe in which they were found in May, 1973—was filed yesterday as part of a federal civil suit challenging the legality of the wiretaps.



JOHN ERLICHMAN
...blackmail feared

The lawsuit was filed by former White House aide Morton Halperin, whose telephone was tapped for 21 months in an attenpt to stop suspected leaks of classified information to the press.

While Halperin has charged that the wiretaps were illegal, the government has argued that they were a proper exercise of the President's authority to protect the national security.

Ehrlichman, one of numerous high level government defendants against whom the suit was filed, appears in his sworn deposition to portray another defendant—Secretary of State Henry A. Kissinger—as the moving force behind the selection of Halperin and others as targets of the wiretaps. Throughout his testimony, Ehrlichman refers to the project as "the Kissinger taps."

Kissinger has maintained that his role in the wiretapping was minor—limited to supplying certain names as possible targets. Two Justice Department officials, including then-Attorney General John N. Mitchell, have said in previous depositions that they believed the wiretaps were under Kissinger's control and supervision.

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Aide Says Nixon Ordered Files Moved

WIRETAPS, From A1

Although he said he did not remember when he first learned exactly who was being tapped, Ehrlichman said Kissinger had "nominated (Halperin) for that distinction as being singularly untrustworthy. Defects in his philosophy and character were generally described (by Kissinger)."

"What do you mean, 'defects in philosophy'?" asked Halperin's attorney, Walter Slocombe.

"He was philosophically in disagreement with Dr. Kissinger and the President on matters of policy," Ehrlichman replied.

Ehrlichamn, who was at times caustic in his answers and bitter about his convictions for two Watergate-related crimes, said he recalled little about the wiretaps while they were in existence from May, 1969, until February, 1971. However, he said he remembered discussions between himself, the President and other administration officials in the summer of 1971 about the disposition of documents relating to the wiretaps.

" . . . As I recall it, the principal thrust of this discussion was that since journalists had been tapped, it would be politically embarrassing for the administration, potentially," Ehrlichman said. "And, Hoover was not above blackmailing the President with this information."

"How would he blackmail him?" Slocombe asked.

"By threatening to disclose it, and using the potential political embarrassment to secure whatever he wanted from the President, (for example) the extension of his tenure," Ehrlichman answered.

He said the President ordered Mardian and Alexander Haig, then a National Security Council aide, to compile the documents and make them "secure from the director of the FBI through their destruction."

Instead of destroying the documents immediately, however, Mardian apparently kept them in his Justice Department office for the next several weeks, according to Ehrlichman. Then, on a Sunday morning, Ehrlichman said, Mardian called and asked Ehrlichman to come to his house.

"So after church, I drove to his house," Ehrlichman testified, "and he told me that he was very afraid of not only the integrity of these files, but also of his personal safety, that he felt he was being surveilled, by Hoover through his agents, and it was only a matter of time before Hoover caused agents of the FBI to break into his files, and recover the various records of this activity . . ."

At another point in the deposition, Ehrlichman said Mardian said specifically he was afraid of being physically harmed by Hoover or his agents.

" . . . There was a conversation with the President in which he instructed me to take possession of these records from Mardian and simply hold them in the White House," Ehrlichman testified. The Secret Service purchased a safe and special burglar alarm "sensors" to secure the files in his office, according to Ehrlichman, and Mardian personally brought over the 1 ½ file drawers full of material.

Ehrlichman said he never examined all the files, and did not know what was in them. They were discovered in his safe by the FBI after the government disclosed that Pentagon papers co-defendant Daniel Ellsberg had been overheard on the Halperin tap.

Ehrlichman denied he had intentionally hidden the documents from the judge in the case.